

Calendar No. 383

108TH CONGRESS
1ST SESSION

S. 1156

[Report No. 108–193]

To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

Mr. SPECTER (for himself and Mr. BUNNING) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

NOVEMBER 10, 2003

Reported by Mr. SPECTER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Vet-
 5 erans Affairs Long-Term Care and Personnel Authorities
 6 Enhancement Act of 2003”.

7 **TITLE I—EXTENSION AND EN-**
 8 **HANCEMENT OF AUTHORI-**
 9 **TIES**

10 **SEC. 101. EXTENSION AND MODIFICATION OF CERTAIN**
 11 **HEALTH CARE AUTHORITIES.**

12 (a) ~~TREATMENT OF NONINSTITUTIONAL EXTENDED~~
 13 ~~CARE SERVICES AS MEDICAL SERVICES.~~—Section
 14 1701(a)(10)(A) of title 38, United States Code, is amend-
 15 ed by striking “December 31, 2003” and inserting “De-
 16 cember 31, 2008”.

17 (b) ~~REQUIRED NURSING HOME CARE.~~—(1) Sub-
 18 section (a) of section 1710A of such title is amended by
 19 striking “70 percent” and inserting “50 percent”.

20 (2) Subsection (c) of such section is amended by
 21 striking “December 31, 2003” and inserting “December
 22 31, 2008”.

1 **SEC. 102. ENHANCED AGREEMENT AUTHORITY FOR PROVI-**
 2 **SION OF NURSING HOME CARE AND ADULT**
 3 **DAY HEALTH CARE IN NON-DEPARTMENT OF**
 4 **VETERANS AFFAIRS FACILITIES.**

5 Section 1720 of title 38, United States Code, is
 6 amended—

7 (1) in subsection (c)—

8 (A) by designating the existing text as
 9 paragraph (2); and

10 (B) by inserting before paragraph (2), as
 11 so designated, the following new paragraph (1):

12 “(1) In furnishing nursing home care or adult day
 13 health care under this section, the Secretary may enter
 14 into agreements for furnishing such care utilizing such au-
 15 thorities relating to agreements for the provision of serv-
 16 ices under section 1866 of the Social Security Act (42
 17 U.S.C. 1395ee) that the Secretary considers appro-
 18 priate.”; and

19 (2) in subsection (f)(1)(B), by inserting “or
 20 agreement” after “contract” each place it appears.

21 **TITLE II—CONSTRUCTION**
 22 **AUTHORIZATION**

23 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 24 **PROJECTS.**

25 The Secretary of Veterans Affairs may carry out the
 26 following major medical facility projects, with each project

1 to be carried out in an amount not to exceed the amount
 2 specified for that project:

3 ~~(1) Construction of a long-term care facility in~~
 4 ~~Lebanon, Pennsylvania, \$14,500,000.~~

5 ~~(2) Construction of a long-term care facility in~~
 6 ~~Beekley, West Virginia, \$20,000,000.~~

7 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

8 ~~(a) IN GENERAL.—There are authorized to be appro-~~
 9 ~~priated for the Secretary of Veterans Affairs for fiscal~~
 10 ~~year 2004 for the Construction, Major Projects, account,~~
 11 ~~a total of \$34,500,000 for the projects authorized in para-~~
 12 ~~graphs (1) and (2) of section 201.~~

13 ~~(b) LIMITATION.—The projects authorized in section~~
 14 ~~201 may only be carried out using—~~

15 ~~(1) funds appropriated for fiscal year 2004 pur-~~
 16 ~~suant to the authorization of appropriations in sub-~~
 17 ~~section (a);~~

18 ~~(2) funds appropriated for Construction, Major~~
 19 ~~Projects, for a fiscal year before fiscal year 2004~~
 20 ~~that remain available for obligation; and~~

21 ~~(3) funds appropriated for Construction, Major~~
 22 ~~Projects, for fiscal year 2004 for a category of activ-~~
 23 ~~ity not specific to a project.~~

TITLE III—PERSONNEL

SEC. 301. MODIFICATION OF AUTHORITIES ON APPOINTMENTS OF PERSONNEL IN THE VETERANS HEALTH ADMINISTRATION.

(a) POSITIONS TREATABLE AS HYBRID STATUS POSITIONS.—Section 7401 of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “Psychologists” and all that follows through “other scientific” and inserting “Other scientific”; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) Audiologists, speech pathologists, and audiologist-speech pathologists, biomedical engineers, certified or registered respiratory therapists, dietitians, licensed physical therapists, licensed practical or vocational nurses, medical instrument technicians, medical records administrators or specialists, medical records technicians, medical technologists, nuclear medicine technologists, occupational therapists, occupational therapy assistants, orthotist-prosthetists, pharmacists, pharmacy technicians, physical therapy assistants, prosthetic representatives, psychologists, diagnostic radiologic technicians, therapeutic radiologic technicians, social workers,

1 and personnel in such other positions as the Sec-
 2 retary designates (subject to section 7403(f)(4) of
 3 this title) for purposes of this paragraph as nec-
 4 essary for the medical care of veterans.”.

5 (b) REPORT ON PROPOSAL TO DESIGNATE ADDI-
 6 TIONAL POSITIONS AS HYBRID STATUS POSITIONS.—Sec-
 7 tion 7403(f) of such title is amended by adding at the
 8 end the following new paragraph:

9 “(4) Not later than 45 days before the date on which
 10 the Secretary proposes to designate a position as a posi-
 11 tion necessary for the medical care of veterans for which
 12 appointment may be made under section 7401(3) of this
 13 title, the Secretary shall submit to the Committees on Vet-
 14 erans’ Affairs of the Senate and the House of Representa-
 15 tives a report on the proposed designation.”.

16 (c) TEMPORARY, PART-TIME, AND WITHOUT COM-
 17 PENSATION APPOINTMENTS.—Section 7405 of such title
 18 is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking subpara-
 21 graphs (B) and (C) and inserting the following
 22 new subparagraphs:

23 “(B) Positions listed in section 7401(3) of
 24 this title.

25 “(C) Librarians.”; and

1 (B) in paragraph (2), by striking subpara-
 2 graph (B) and inserting the following new sub-
 3 paragraph (B):

4 “(B) Positions listed in section 7401(3) of
 5 this title.”; and

6 (2) in subsection (c)(1), by striking “section
 7 7401(1)” and inserting “paragraphs (1) and (3) of
 8 section 7401”.

9 (d) **AUTHORITY FOR ADDITIONAL PAY FOR CERTAIN**
 10 **HEALTH CARE PROFESSIONALS.**—Section 7454(b)(1) of
 11 such title is amended by striking “certified or registered”
 12 and all that follows through “occupational therapists,”
 13 and inserting “individuals in positions listed in section
 14 7401(3) of this title.”.

15 **SEC. 302. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-**
 16 **TEEN SERVICE UNDER ADDITIONAL EMPLOY-**
 17 **MENT LAWS.**

18 Section 7802(5) is amended by inserting before the
 19 semicolon the following: “: Employees and personnel under
 20 this clause may be considered for appointment in Depart-
 21 ment positions in the competitive service in the same man-
 22 ner that Department employees in the competitive service
 23 are considered for transfer to such positions. An employee
 24 or individual appointed as personnel under this clause who
 25 is appointed to a Department position under the authority

1 of the preceding sentence shall be treated as having a ca-
 2 reer appointment in such position once such employee or
 3 individual meets the three-year requirement for career ten-
 4 ure (with any previous period of employment or appoint-
 5 ment in the Service being counted toward satisfaction of
 6 such requirement)’’.

7 **SEC. 303. EFFECTIVE DATE OF MODIFICATION OF TREAT-**
 8 **MENT FOR RETIREMENT ANNUITY PURPOSES**
 9 **OF CERTAIN PART-TIME SERVICE OF CER-**
 10 **TAIN DEPARTMENT OF VETERANS AFFAIRS**
 11 **HEALTH-CARE PROFESSIONALS.**

12 (a) **EFFECTIVE DATE.**—The effective date of the
 13 amendment made by section 132 of the Department of
 14 Veterans Affairs Health Care Programs Enhancement Act
 15 of 2001 (Public Law 107–135; 115 Stat. 2454) shall be
 16 as follows:

17 (1) January 23, 2002, in the case of health
 18 care professionals referred to in subsection (c) of
 19 section 7426 of title 38, United States Code (as so
 20 amended), who retire on or after that date:

21 (2) The date of the enactment of this Act, in
 22 the case of health care professionals referred to in
 23 such subsection (c) who retired before January 23,
 24 2002, but after April 7, 1986.

1 (b) RECOMPUTATION OF ANNUITY.—The Office of
 2 Personnel Management shall recompute the annuity of
 3 each health-care professional described in the first sen-
 4 tence of subsection (c) of section 7426 of title 38, United
 5 States Code (as so amended), who retired before January
 6 23, 2002, but after April 7, 1986, in order to take into
 7 account the amendment made by section 132 of the De-
 8 partment of Veterans Affairs Health Care Programs En-
 9 hancement Act of 2001. Such recomputation shall be ef-
 10 fective only with respect to annuities paid after the date
 11 of the enactment of this Act, and shall apply beginning
 12 the first day of the first month beginning after the date
 13 of the enactment of this Act.

14 **SEC. 304. PERMANENT AUTHORITY FOR USE OF CONTRACT**
 15 **PHYSICIANS FOR DISABILITY EXAMINATIONS.**

16 (a) PERMANENT AUTHORITY.—Section 504 of the
 17 Veterans' Benefits Improvements Act of 1996 (Public
 18 Law ~~104-275~~; ~~110 Stat. 3341~~; ~~38 U.S.C. 5101~~ note) is
 19 amended—

20 (1) in subsection (a), by striking “may conduct
 21 a pilot program” and all that follows through “may
 22 be made by” and inserting “may carry out examina-
 23 tions with respect to the medical disability of appli-
 24 cants for benefits under the laws administered by
 25 the Secretary through”; and

1 (2) in subsection (c), by striking “the pilot pro-
2 gram under”.

3 (b) ~~REPEAL OF LIMITATION AND OBSOLETE AU-~~
4 ~~THORITY.—That section is further amended—~~

5 (1) by striking subsections (b) and (d); and

6 (2) by redesignating subsection (c), as amended
7 by subsection (a) of this section, as subsection (b).

8 (c) ~~CONFORMING AMENDMENT.—The heading for~~
9 ~~that section is amended to read as follows:~~

10 **“SEC. 504. AUTHORITY FOR USE OF CONTRACT PHYSICIANS**
11 **FOR DISABILITY EXAMINATIONS.”.**

12 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

13 (a) *SHORT TITLE.—This Act may be cited as the “Vet-*
14 *erans Health Care Authorities Extension and Improvement*
15 *Act of 2003”.*

16 (b) *TABLE OF CONTENTS.—The table of contents for*
17 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

**TITLE I—EXTENSION AND MODIFICATION OF CERTAIN HEALTH
CARE AUTHORITIES**

Sec. 101. Extension and modification of certain health care authorities.

*Sec. 102. Enhanced agreement authority for provision of nursing home care and
adult day health care in non-Department of Veterans Affairs fa-*
cilities.

Sec. 103. Expansion of pilot program of Department of Veterans Affairs on as-
sisted living for veterans.

Sec. 104. Improvement of program for provision of specialized mental health serv-
ices to veterans.

TITLE II—CONSTRUCTION AND FACILITIES MATTERS

Subtitle A—Construction Authorities

- Sec. 201. Increase in threshold for major medical facility construction projects.*
Sec. 202. Demolition of obsolete, dilapidated, and hazardous structures on Department of Veterans Affairs property.

Subtitle B—Construction Authorizations

- Sec. 211. Authorization of major medical facility projects.*
Sec. 212. Authorization of major medical facility leases.
Sec. 213. Authorization of appropriations.

Subtitle C—Designation of Facilities

- Sec. 221. Designation of Department of Veterans Affairs outpatient clinic, Horsham, Pennsylvania.*
Sec. 222. Designation of Department of Veterans Affairs health care facility, Chicago, Illinois.
Sec. 223. Designation of Department of Veterans Affairs Medical Center, Houston, Texas.
Sec. 224. Designation of Department of Veterans Affairs Medical Center, Minneapolis, Minnesota.

TITLE III—PERSONNEL MATTERS

- Sec. 301. Modification of authority on appointments of personnel in the Veterans Health Administration.*
Sec. 302. Coverage of employees of Veterans' Canteen Service under additional employment laws.
Sec. 303. Effective date of modification of treatment for retirement annuity purposes of certain part-time service of certain Department of Veterans Affairs health-care professionals.

TITLE IV—OTHER MATTERS

Subtitle A—Capital Asset Realignment for Enhanced Services Initiative

- Sec. 401. Advance notification of capital asset realignment initiative.*
Sec. 402. Authorization of major construction projects in connection with capital asset realignment initiative.

Subtitle B—Extension of Other Authorities

- Sec. 411. Three-year extension of housing assistance for homeless veterans.*
Sec. 412. Four-year extension of evaluation of health status of spouses and children of Persian Gulf War veterans.

Subtitle C—Other Matters

- Sec. 421. Modification of eligibility of Filipino veterans for health care in the United States.*
Sec. 422. Repeal of limits on terms of certain officials in Office of Under Secretary for Health.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 **TITLE I—EXTENSION AND MODI-**
 8 **FICATION OF CERTAIN**
 9 **HEALTH CARE AUTHORITIES**

10 **SEC. 101. EXTENSION AND MODIFICATION OF CERTAIN**
 11 **HEALTH CARE AUTHORITIES.**

12 (a) *TREATMENT OF NONINSTITUTIONAL EXTENDED*
 13 *CARE SERVICES AS MEDICAL SERVICES.*—Section
 14 1701(10)(A) *is amended by striking “December 31, 2003”*
 15 *and inserting “December 31, 2008”.*

16 (b) *REQUIRED NURSING HOME CARE.*—Section
 17 1710A(c) *is amended by striking “December 31, 2003” and*
 18 *inserting “December 31, 2008”.*

19 **SEC. 102. ENHANCED AGREEMENT AUTHORITY FOR PROVI-**
 20 **SION OF NURSING HOME CARE AND ADULT**
 21 **DAY HEALTH CARE IN NON-DEPARTMENT OF**
 22 **VETERANS AFFAIRS FACILITIES.**

23 *Section 1720 is amended—*

24 (1) *in subsection (c)—*

25 (A) *by designating the existing text as*
 26 *paragraph (2); and*

1 (B) by inserting before paragraph (2), as so
2 designated, the following new paragraph (1):

3 “(1) In furnishing nursing home care, adult day
4 health care, or other extended care services under this sec-
5 tion, the Secretary may enter into agreements for fur-
6 nishing such care or services utilizing such authorities re-
7 lating to agreements for the provision of services under sec-
8 tion 1866 of the Social Security Act (42 U.S.C. 1395cc)
9 as the Secretary considers appropriate.”; and

10 (2) in subsection (f)(1)(B), by inserting “or
11 agreement” after “contract” each place it appears.

12 **SEC. 103. EXPANSION OF PILOT PROGRAM OF DEPARTMENT**
13 **OF VETERANS AFFAIRS ON ASSISTED LIVING**
14 **FOR VETERANS.**

15 Section 103(b) of the Veterans Millennium Health
16 Care and Benefits Act (Public Law 106–117; 113 Stat.
17 1552; 38 U.S.C. 1710B note) is amended—

18 (1) by striking “LOCATION OF PILOT PRO-
19 GRAM.—” and inserting “LOCATIONS OF PILOT PRO-
20 GRAM.—(1)”; and

21 (2) by adding at the end the following new para-
22 graph:

23 “(2)(A) In the addition to the health care region of
24 the Department selected for the pilot program under para-
25 graph (1), the Secretary may also carry out the pilot pro-

1 *gram in not more than one additional designated health*
 2 *care region of the Department selected by the Secretary for*
 3 *purposes of this section.*

4 “(B) Notwithstanding subsection (f), the authority of
 5 the Secretary to provide services under the pilot program
 6 in a health care region of the Department selected under
 7 subparagraph (A) shall cease on the date that is three years
 8 after the commencement of the provision of services under
 9 the pilot program in the health care region.”.

10 **SEC. 104. IMPROVEMENT OF PROGRAM FOR PROVISION OF**
 11 **SPECIALIZED MENTAL HEALTH SERVICES TO**
 12 **VETERANS.**

13 (a) *INCREASE IN FUNDING.*—Subsection (c) of section
 14 116 of the Veterans Millennium Health Care and Benefits
 15 Act (Public Law 106–117; 113 Stat. 1559; 38 U.S.C. 1712A
 16 note) is amended—

17 (1) in paragraph (1), by striking “\$15,000,000”
 18 and inserting “\$25,000,000 in each of fiscal years
 19 2004, 2005, and 2006”;

20 (2) in paragraph (2), by striking “\$15,000,000”
 21 and inserting “\$25,000,000”; and

22 (3) in paragraph (3)—

23 (A) by inserting “(A)” after “(3)”; and

24 (B) by adding at the end the following new
 25 subparagraph:

1 “(B) For purposes of this paragraph, in fiscal years
 2 2004, 2005, and 2006, the fiscal year utilized to determine
 3 the baseline amount shall be fiscal year 2003.”.

4 (b) *ALLOCATION OF FUNDS.*—Subsection (d) of that
 5 section is amended—

6 (1) by striking “The Secretary” and inserting
 7 “(1) In each of fiscal years 2004, 2005, and 2006, the
 8 Secretary”; and

9 (2) by adding at the end the following new para-
 10 graphs:

11 “(2) In allocating funds to facilities in a fiscal year
 12 under paragraph (1), the Secretary shall ensure that—

13 “(A) not less than \$10,000,000 is allocated by di-
 14 rect grants to programs that are identified by the
 15 Mental Health Strategic Health Care Group and the
 16 Committee on Care of Severely Chronically Mentally
 17 Ill Veterans;

18 “(B) not less than \$5,000,000 is allocated for
 19 programs on post-traumatic stress disorder; and

20 “(C) not less than \$5,000,000 is allocated for
 21 programs on substance abuse disorder.

22 “(3) The Secretary shall provide that the funds to be
 23 allocated under this section during each of fiscal years 2004,
 24 2005, and 2006 are funds for a special purpose program

1 *for which funds are not allocated through the Veterans Eq-*
 2 *uitable Resource Allocation system.”.*

3 ***TITLE II—CONSTRUCTION AND***
 4 ***FACILITIES MATTERS***
 5 ***Subtitle A—Construction***
 6 ***Authorities***

7 ***SEC. 201. INCREASE IN THRESHOLD FOR MAJOR MEDICAL***
 8 ***FACILITY CONSTRUCTION PROJECTS.***

9 *Section 8104(a)(3)(A) is amended by striking*
 10 *“\$4,000,000” and inserting “\$9,000,000”.*

11 ***SEC. 202. DEMOLITION OF OBSOLETE, DILAPIDATED, AND***
 12 ***HAZARDOUS STRUCTURES ON DEPARTMENT***
 13 ***OF VETERANS AFFAIRS PROPERTY.***

14 *(a) IN GENERAL.—Chapter 81 is amended by adding*
 15 *at the end the following new subchapter:*

16 ***“SUBCHAPTER VI—OTHER MATTERS***
 17 ***“§8171. Demolition of obsolete, dilapidated, and haz-***
 18 ***ardous structures***

19 *“(a) ESTABLISHMENT OF FUND.—There is established*
 20 *in the Treasury a fund to be known as the Department of*
 21 *Veterans Affairs Facilities Demolition Fund.*

22 *“(b) ELEMENTS OF FUND.—The fund shall consist of*
 23 *the following:*

24 *“(1) Amounts authorized to be appropriated to*
 25 *the fund.*

1 “(2) *Any other amounts deposited or transferred*
2 *to the fund by law.*

3 “(c) *AVAILABILITY OF AMOUNTS IN FUND.—Subject to*
4 *the provisions of appropriations Acts, amounts in the fund*
5 *shall be available to the Secretary for the purpose of the*
6 *demolition and removal, whether in whole or in part, of*
7 *obsolete, dilapidated, or hazardous structures on Depart-*
8 *ment property.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections at*
10 *the beginning of chapter 81 is amended by adding at the*
11 *end the following:*

“SUBCHAPTER VI—OTHER MATTERS

“8171. *Demolition of obsolete, dilapidated, and hazardous structures.”.*

12 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
13 *authorized to be appropriated for the Department of Vet-*
14 *erans Affairs for fiscal year 2004, \$25,000,000 for deposit*
15 *in the Department of Veterans Affairs Facilities Demolition*
16 *Fund established by section 8171 of title 38, United States*
17 *Code, as added by this section.*

18 ***Subtitle B—Construction***
19 ***Authorizations***

20 ***SEC. 211. AUTHORIZATION OF MAJOR MEDICAL FACILITY***
21 ***PROJECTS.***

22 *The Secretary of Veterans Affairs may carry out the*
23 *following major medical facility projects, with each project*

1 *to be carried out in an amount not to exceed the amount*
 2 *specified for that project:*

3 *(1) Construction of a long-term care facility in*
 4 *Lebanon, Pennsylvania, \$14,500,000.*

5 *(2) Construction of a long-term care facility in*
 6 *Beckley, West Virginia, \$20,000,000.*

7 **SEC. 212. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 8 **LEASES.**

9 *The Secretary of Veterans Affairs may enter into leases*
 10 *for medical facilities as follows:*

11 *(1) Lease for the relocation and expansion of a*
 12 *health administration center, Denver, Colorado, in an*
 13 *amount not to exceed \$4,080,000.*

14 *(2) Lease for an outpatient clinic extension or*
 15 *for sharing of Department of Veterans Affairs and*
 16 *Department of Defense resources, Pensacola, Florida,*
 17 *in an amount not to exceed \$3,800,000.*

18 *(3) Lease of an outpatient clinic extension, Bos-*
 19 *ton, Massachusetts, in an amount not to exceed*
 20 *\$2,879,000.*

21 *(4) Lease of a satellite outpatient clinic, Char-*
 22 *lotte, North Carolina, in an amount not to exceed*
 23 *\$2,626,000.*

1 **SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There are authorized to be appro-*
3 *priated for the Secretary of Veterans Affairs for fiscal year*
4 *2004—*

5 (1) *for the Construction, Major Projects, account,*
6 *a total of \$34,500,000 for the projects authorized in*
7 *section 211; and*

8 (2) *for the Medical Care account, a total of*
9 *\$13,385,000 for the leases authorized in section 212.*

10 (b) *LIMITATION.*—*The projects authorized in section*
11 *211 may only be carried out using—*

12 (1) *funds appropriated for fiscal year 2004 pur-*
13 *suant to the authorization of appropriations in sub-*
14 *section (a);*

15 (2) *funds appropriated for Construction, Major*
16 *Projects, for a fiscal year before fiscal year 2004 that*
17 *remain available for obligation; and*

18 (3) *funds appropriated for Construction, Major*
19 *Projects, for fiscal year 2004 for a category of activity*
20 *not specific to a project.*

***Subtitle C—Designation of
Facilities***

**SEC. 221. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS
OUTPATIENT CLINIC, HORSHAM, PENNSYLVANIA.**

The Department of Veterans Affairs outpatient clinic located in Horsham, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the “Victor J. Saracini Department of Veterans Affairs Outpatient Clinic”. Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Victor J. Saracini Department of Veterans Affairs Outpatient Clinic.

**SEC. 222. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS
HEALTH CARE FACILITY, CHICAGO, ILLINOIS.**

The Department of Veterans Affairs health care facility located at 820 South Damen Avenue in Chicago, Illinois, shall after the date of the enactment of this Act be known and designated as the “Jesse Brown Department of Veterans Affairs Medical Center”. Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference

1 *to the Jesse Brown Department of Veterans Affairs Medical*
2 *Center.*

3 **SEC. 223. DESIGNATION OF DEPARTMENT OF VETERANS AF-**
4 **FAIRS MEDICAL CENTER, HOUSTON, TEXAS.**

5 *The Department of Veterans Affairs Medical Center in*
6 *Houston, Texas, shall after the date of the enactment of this*
7 *Act be known and designated as the “Michael E. DeBakey*
8 *Department of Veterans Affairs Medical Center”.* Any ref-
9 *erence to such facility in any law, regulation, map, docu-*
10 *ment, record, or other paper of the United States shall be*
11 *considered to be a reference to the Michael E. DeBakey De-*
12 *partment of Veterans Affairs Medical Center.*

13 **SEC. 224. DESIGNATION OF DEPARTMENT OF VETERANS AF-**
14 **FAIRS MEDICAL CENTER, MINNEAPOLIS, MIN-**
15 **NESOTA.**

16 *The Department of Veterans Affairs Medical Center in*
17 *Minneapolis, Minnesota, shall after the date of the enact-*
18 *ment of this Act be known and designated as the “Paul*
19 *Wellstone Department of Veterans Affairs Medical Center”.*
20 *Any reference to such medical center in any law, regulation,*
21 *map, document, record, or other paper of the United States*
22 *shall be considered to be a reference to the Paul Wellstone*
23 *Department of Veterans Affairs Medical Center.*

1 ***TITLE III—PERSONNEL MATTERS***

2 ***SEC. 301. MODIFICATION OF AUTHORITY ON APPOINT-***
 3 ***MENTS OF PERSONNEL IN THE VETERANS***
 4 ***HEALTH ADMINISTRATION.***

5 *Section 7401 is amended—*

6 *(1) in paragraph (2), by striking “Psychologists”*
 7 *and all that follows through “dietitians,” and insert-*
 8 *ing “Dietitians,”; and*

9 *(2) in paragraph (3)—*

10 *(A) by inserting “other psychologists,” after*
 11 *“approved by the Secretary,”; and*

12 *(B) by striking “and occupational thera-*
 13 *pists” and inserting “occupational therapists,*
 14 *kinesiologists, and social workers”.*

15 ***SEC. 302. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-***
 16 ***TEEN SERVICE UNDER ADDITIONAL EMPLOY-***
 17 ***MENT LAWS.***

18 *Section 7802(5) is amended by inserting before the*
 19 *semicolon the following: “. Employees and personnel under*
 20 *this clause may be considered for appointment in Depart-*
 21 *ment positions in the competitive service in the same man-*
 22 *ner that Department employees in the competitive service*
 23 *are considered for transfer to such positions. An employee*
 24 *or individual appointed as personnel under this clause who*
 25 *is appointed to a Department position under the authority*

1 *of the preceding sentence shall be treated as having a career*
 2 *appointment in such position once such employee or indi-*
 3 *vidual meets the three-year requirement for career tenure*
 4 *(with any previous period of employment or appointment*
 5 *in the Service being counted toward satisfaction of such re-*
 6 *quirement)’’.*

7 **SEC. 303. EFFECTIVE DATE OF MODIFICATION OF TREAT-**
 8 **MENT FOR RETIREMENT ANNUITY PURPOSES**
 9 **OF CERTAIN PART-TIME SERVICE OF CERTAIN**
 10 **DEPARTMENT OF VETERANS AFFAIRS**
 11 **HEALTH-CARE PROFESSIONALS.**

12 (a) *EFFECTIVE DATE.*—*The effective date of the*
 13 *amendment made by section 132 of the Department of Vet-*
 14 *erans Affairs Health Care Programs Enhancement Act of*
 15 *2001 (Public Law 107–135; 115 Stat. 2454) shall be as fol-*
 16 *lows:*

17 (1) *January 23, 2002, in the case of health care*
 18 *professionals referred to in subsection (c) of section*
 19 *7426 of title 38, United States Code (as so amended),*
 20 *who retire on or after that date.*

21 (2) *The date of the enactment of this Act, in the*
 22 *case of health care professionals referred to in such*
 23 *subsection (c) who retired before January 23, 2002,*
 24 *but after April 7, 1986.*

1 (b) *RECOMPUTATION OF ANNUITY.*—*The Office of Per-*
 2 *sonnel Management shall recompute the annuity of each*
 3 *health-care professional described in the first sentence of*
 4 *subsection (c) of section 7426 of title 38, United States Code*
 5 *(as so amended), who retired before January 23, 2002, but*
 6 *after April 7, 1986, in order to take into account the*
 7 *amendment made by section 132 of the Department of Vet-*
 8 *erans Affairs Health Care Programs Enhancement Act of*
 9 *2001. Such recomputation shall be effective only with re-*
 10 *spect to annuities paid after the date of the enactment of*
 11 *this Act, and shall apply beginning the first day of the first*
 12 *month beginning after the date of the enactment of this Act.*

13 ***TITLE IV—OTHER MATTERS***
 14 ***Subtitle A—Capital Asset Realign-***
 15 ***ment for Enhanced Services Ini-***
 16 ***tiative***

17 ***SEC. 401. ADVANCE NOTIFICATION OF CAPITAL ASSET RE-***
 18 ***ALIGNMENT INITIATIVE.***

19 (a) *REQUIREMENT FOR ADVANCE NOTIFICATION.*—*Be-*
 20 *fore taking any action proposed under the Capital Asset*
 21 *Realignment for Enhanced Services initiative of the De-*
 22 *partment of Veterans Affairs, the Secretary of Veterans Af-*
 23 *airs shall submit to Congress a written notification of the*
 24 *intent to take such action.*

1 (b) *LIMITATION.*—*The Secretary may not take any*
2 *proposed action described in subsection (a) until the later*
3 *of—*

4 (1) *the expiration of the 60-day period beginning*
5 *on the date on which the Secretary submits to Con-*
6 *gress the notification of the proposed action required*
7 *under subsection (a); or*

8 (2) *the expiration of a period of 30 days of con-*
9 *tinuous session of Congress beginning on such date of*
10 *notification or, if either House of Congress is not in*
11 *session on such date, the first day after such date that*
12 *both Houses of Congress are in session.*

13 (c) *CONTINUOUS SESSION OF CONGRESS.*—*For the*
14 *purposes of subsection (b)—*

15 (1) *the continuity of session of Congress is bro-*
16 *ken only by an adjournment of Congress sine die; and*

17 (2) *the days on which either House is not in ses-*
18 *sion because of an adjournment of more than three*
19 *days to a day certain are excluded in the computa-*
20 *tion of any period of time in which Congress is in*
21 *continuous session.*

1 **SEC. 402. AUTHORIZATION OF MAJOR CONSTRUCTION**
 2 **PROJECTS IN CONNECTION WITH CAPITAL**
 3 **ASSET REALIGNMENT INITIATIVE.**

4 (a) *AUTHORITY TO CARRY OUT MAJOR CONSTRUCTION PROJECTS.*—Subject to subsection (b), the Secretary
 5 of Veterans Affairs may carry out major construction
 6 projects, and plan for such projects, as outlined in the final
 7 report of the Capital Asset Realignment for Enhanced Services
 8 Commission and approved by the Secretary.

10 (b) *LIMITATION.*—The Secretary may not exercise the
 11 authority in subsection (a) until 60 days after the date of
 12 the submittal of the report required by subsection (c).

13 (c) *REPORT ON PROPOSED MAJOR CONSTRUCTION*
 14 *PROJECTS.*—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the major construction
 15 projects the Secretary proposes to carry out in connection
 16 with the Capital Asset Realignment for Enhanced Services
 17 initiative.

20 (2) The report shall list each proposed major construction project in order of priority, with such priority determined in the order as follows:

23 (A) The use of the facility to be constructed or
 24 altered as a replacement or enhancement facility necessitated by the loss, closure, or other divestment of
 25 major infrastructure or clinical space at a Depart-
 26

1 *ment of Veterans Affairs medical facility currently in*
 2 *operation, as determined by the Secretary.*

3 *(B) The use of such facility to provide tertiary*
 4 *and acute care services to a population that is deter-*
 5 *mined under the Capital Asset Realignment for En-*
 6 *hanced Services initiative to be in need of such facil-*
 7 *ity and not currently served by such facility.*

8 *(C) The use of such facility as an outpatient*
 9 *clinic to provide basic care services to a population*
 10 *of veterans in need of such services, as determined by*
 11 *the Secretary.*

12 *(D) The need for such facility to further an en-*
 13 *hanced-use lease or sharing agreement.*

14 *(E) Any other factors that the Secretary con-*
 15 *siders to be of importance in providing care to eligible*
 16 *veterans.*

17 *(3) In developing the list of projects and according a*
 18 *priority to each project, the Secretary should consider the*
 19 *importance of allocating available resources equitably*
 20 *among the regional health care networks of the Department*
 21 *and take into account recent shifts in populations of vet-*
 22 *erans among such regional health care networks.*

23 *(d) MULTIYEAR CONTRACT AUTHORITY.—To the ex-*
 24 *tent that funds are otherwise available for obligation, the*
 25 *Secretary may enter into a multiyear contract for a major*

1 construction project under this section. The period of such
 2 a multiyear contract may not exceed five program years.
 3 If a multiyear contract under this subsection is not fully
 4 funded when entered into, the contract shall provide that
 5 performance under the contract during the second and sub-
 6 sequent years of the contract is contingent upon the appro-
 7 priation of funds and may provide for a cancellation pay-
 8 ment to be made to the contractor if such appropriations
 9 are not made.

10 (e) *FUNDING.*—To carry out major construction
 11 projects under the Capital Asset Realignment for Enhanced
 12 Services initiative, the Secretary may use any combination
 13 of funds appropriated for such initiative and funds avail-
 14 able to the Secretary for major construction.

15 (f) *MAJOR CONSTRUCTION PROJECT DEFINED.*—In
 16 this section, the term “major construction project” means
 17 a major medical facility project, as that term is defined
 18 in section 8104(a)(3)(A) of title 38, United States Code, as
 19 amended by section 201 of this Act.

20 ***Subtitle B—Extension of Other*** 21 ***Authorities***

22 ***SEC. 411. THREE-YEAR EXTENSION OF HOUSING ASSIST-*** 23 ***ANCE FOR HOMELESS VETERANS.***

24 Section 2041(c) is amended by striking “December 31,
 25 2003” and inserting “December 31, 2006”.

1 **SEC. 412. FOUR-YEAR EXTENSION OF EVALUATION OF**
 2 **HEALTH STATUS OF SPOUSES AND CHILDREN**
 3 **OF PERSIAN GULF WAR VETERANS.**

4 *Section 107(b) of the Persian Gulf War Veterans' Ben-*
 5 *efits Act (title I of Public Law 103-446; 38 U.S.C. 1117*
 6 *note) is amended by striking "December 31, 2003" and in-*
 7 *serting "December 31, 2007".*

8 ***Subtitle C—Other Matters***

9 **SEC. 421. MODIFICATION OF ELIGIBILITY OF FILIPINO VET-**
 10 **ERANS FOR HEALTH CARE IN THE UNITED**
 11 **STATES.**

12 *The text of section 1734 is amended to read as follows:*

13 *"(a) The Secretary shall, within the limits of Depart-*
 14 *ment facilities, furnish hospital and nursing home care and*
 15 *medical services to an individual described in subsection*
 16 *(b) in the same manner as provided for under section 1710*
 17 *of this title.*

18 *"(b) An individual described in this subsection is any*
 19 *individual who is residing in the United States and is a*
 20 *citizen of, or an alien lawfully admitted for permanent resi-*
 21 *dence in, the United States as follows:*

22 *"(1) A Commonwealth Army veteran.*

23 *"(2) A new Philippine Scout."*

1 **SEC. 422. REPEAL OF LIMITS ON TERMS OF CERTAIN OFFI-**
2 **CIALS IN OFFICE OF UNDER SECRETARY FOR**
3 **HEALTH.**

4 *Section 7306 is amended—*

5 *(1) by striking subsection (d); and*

6 *(2) by redesignating subsections (e) and (f) as*
7 *subsections (d) and (e), respectively.*

8 Amend the title to read as follows: “A bill to amend
9 title 38, United States Code, to improve and enhance the
10 provision of long-term health care for veterans by the De-
11 partment of Veterans Affairs, to enhance and improve au-
12 thorities relating to the administration of personnel of the
13 Department of Veterans Affairs, to authorize major con-
14 struction projects for the Department of Veterans Affairs,
15 and for other purposes.”.

Calendar No. 383

108TH CONGRESS
1ST SESSION

S. 1156

[Report No. 108–193]

A BILL

To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

NOVEMBER 10, 2003

Reported with an amendment and an amendment to the
title